

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
June 8, 2007

The Peace Officer Standards and Training Board held its 359th Board meeting at the Colorado Department of Law Office of the Attorney General in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
FORT MORGAN MAYOR JACK DARNELL
CHIEF JOHN HALL
CHIEF DENNIS HARRISON
SHERIFF STAN HILKEY
SENIOR AGENT DONN KRAEMER
CORPORAL CURTIS MORENO
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
S.A.C. RICHARD C. POWERS
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
CHIEF GERALD WHITMAN

BOARD MEMBERS ABSENT

SHERIFF JAMES FAULL (excused)
PUBLIC MEMBER BOB PENCE (excused)
CHIEF RONALD SLOAN (excused)
EXECUTIVE DIRECTOR PETER WEIR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Jefferson County Sheriff's Office
MINER BLACKFORD, Otero Junior College
MARGARET BROWNING, Durango Police Department
STEVE CHAGOLLA, Denver Police Department
MICHELLE COLE, Citizen
ROD CONNER, Colorado Northwestern Community College
DEAN CURD, County Sheriff's of Colorado
MARC DIREZZA, Lakewood Police Department
GRAHAM DUNNE, Aurora Police Department
JOE FERRARO, Denver Police Department
ERIC GONZALES, Pueblo Police Department
SCOTT JARMIN, Brighton Police Department
DOYLE JONES, Weld County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
JIM PUSCIAN, Aurora Police Department
GENE RAGULSKY, Pueblo Police Department
DARRELL SANDERS, Citizen
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
JOE THOMAS-HAZELL, Citizen
JOHN TUCKER, Weld County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on June 8, 2007.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome – Attorney General John W. Suthers
2. Introduction of Board Members, Staff, SME Members and Guests
3. Special Presentations to Retiring Board Members – Arvada Chief of Police Ronald C. Sloan and Erie Chief of Police John Hall

Attorney General John Suthers recognized the efforts of Erie Police Chief John Hall and presented Chief Hall with a plaque for his service on the P.O.S.T. Board.

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Attorney General Suthers announced that S.A.C. Richard Powers has been assigned to Washington and will also receive a plaque for his service with the Board. Arvada Police Chief Ron Sloan was unable to attend. Chief Sloan's plaque will be presented to him at a later date.

4. Roll Call – P.O.S.T. Director John Kammerzell
Declaration of a Quorum
5. Approval of P.O.S.T. Board Minutes for March 9, 2007
Approved Unanimously

Presentations:

6. Skills Subject Matter Expert Committee Reports

- A. Arrest Control Cpl. Richard Stensgaard, Co-Chairman

Cpl. Stensgaard reported that the committee approved the site and safety plans for the Alamosa and Otero academies. The committee also approved full instructors for Jefferson County, Weld County, Pikes Peak Community College as well as a number of assistant instructors.

The committee will meet in August to discuss future changes to the ACT program and also possible changes to the skills inspection report.

- B. Firearms Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Kristi Quintana reported that the committee previously met and approved 19 full skills instructors and denied two; approved 81 assistant skills instructors and denied two. The committee completed three academy inspections of Colorado Springs Police Department, Adams County, and Weld County.

The committee continues to work on a re-write of the firearms program for presentation to the Board this fall.

Parks Manager Quintana stated that the committee discussed different tactical groups providing training throughout the state for safety and quality.

- C. Law Enforcement Driving Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported the committee approved one full and five assistant instructors for the Weld County Academy.

The committee inspected the Pueblo Police Department Academy and gave an excellent rating.

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The committee also approved full instructors for the El Paso County Sheriff's Office, Aurora Police Department, Colorado State Patrol, Brighton Police Department and Denver Police Department.

The committee discussed changes at the Colorado State Patrol academy and also tabled the issue of remedial training.

Sgt. Smalley stated that the committee will also be working on the inspection form and rule change proposals for the next Board meeting in September.

D. Curriculum Division Chief Phil Baca, Chairman

Division Chief Phil Baca reported that the committee approved new committee member Rod Conner, the new Director of the Colorado Northwestern Community College in Rangely.

The committee discussed standardizing the lesson plan cover sheet for academy inspections and also a standardized form for an end of academy evaluation.

Director Kammerzell stated that Chief Ron Sloan was the Board member representative for the curriculum committee. Boulder County Sheriff Joe Pelle stated that he would volunteer for the position; Attorney General Suthers called for a motion and second to approve the appointment.

***Motion made and seconded to approve the appointment of Sheriff Pelle to the curriculum committee.
Passed Unanimously***

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler stated that the committee has been working on the refresher academies coming up at months end and in August. The committee is also working on the curriculum for level two of the Train the Trainers class in October.

Officer Tyler stated that the committee is currently working on the completion of two curriculums at this time.

Action Items:

7. 2007 P.O.S.T. Sunrise Review Sub-committee Report Director John Kammerzell

A. Committee Chair and Board Member Appointments

1. 2007 staff recommendations included: Chief Ronald Sloan (Retiring), Chief John Hall (Retiring), DPS Executive Director Joe Morales (Retired), Sheriff Jim Alderden and Sheriff Jim Beicker

Director Kammerzell stated that committee member positions are available for two Chief and one non Sheriff Board members.

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The Board selected Sheriff Jim Alderden as the Chair of the committee and Board Members Sheriff Jim Beicker, Chief John Patterson, Chief Al Bell and Public Member Bob Pence.

B. Committee Update

Director Kammerzell stated that the committee received an application from Fort Carson Police Department last year and they will be reapplying this year.

The school security officers group and Federal Security Police have informed Director Kammerzell of their intent to seek Peace Officer authority as well as the Department of Revenue.

8. 2007 P.O.S.T. Peace Officer Training Project Sub-committee.

Deputy Director Zotos

A. Sub-committee's FY2007/2008 Grant Recommendations to the Board

Deputy Director Zotos reported that there were 303,000 hours of training provided since the grant was introduced. Deputy Director Zotos presented the Board with charts showing the breakdown of training provided for each region and what the sub-committees recommendations were for the next fiscal year.

Chief Dennis Harrison stated that he did not agree with some of the recommendations that were made and stated that when this process began the training funds were to go to the more rural areas of the state that could not afford the training needed for Colorado officers. Chief Harrison stated that he opposed to taking \$5,000 from both CLEAT and CDAC to support the Greater Metro area. Chief Harrison wanted the amount recommended by staff to remain with these two groups and not to be taken away.

Cherry Hills Village Chief John Patterson stated that he was in support of the funds being reallocated to the Greater Metro region to support the smaller inner-city Departments.

General Suthers referred to the Act Titled "Resources for the Training of Peace Officers-Peace Officers in Rural Jurisdictions-Legislative Declaration" which states that the funds collected and transferred to the P.O.S.T. Board shall be used to promote training programs for peace officers, especially peace officers in rural and smaller jurisdictions that have limited resources due to the size or location of such jurisdictions. Attorney General Suthers stated that Chief Patterson had a legitimate point in regards to the smaller jurisdictions in the metro area, but that there was a clear legislative push toward the more rural areas of the state.

Chief Bell stated that both had valid points, but if these funds were no longer available for training, the metro area would still receive training and the rural areas would not. Chief Bell stated that the spirit and meaning of the Act was created for the training of rural officers.

Many others had comments in support of the training for the rural areas of Colorado including Corporal Moreno from Grand Junction, whose agency depends on the training they receive from CDAC.

***Motion made and seconded for original staff recommendation
Approved, with Chief John Patterson Opposing.***

9. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony
Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder ***has been convicted of a felony***, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 07-03, Director Kammerzell stated that Mr. Darrell J. Sanders pled guilty to and was convicted of § 18-3-302(1), C.R.S. a Class 4 Felony and was present to address the Board. Mr. Sanders was present and spoke to the Board regarding his conviction, the situation, and apologized to the Board and Profession for his actions.

Attorney General Suthers stated that because of the felony conviction the Board had no discretion in this case and would have to proceed with Mr. Sanders revocation of certificate No. B-10863.

***Motion made and seconded to revoke Mr. Darrell J. Sanders.
Passed Unanimously.***

2. No. 07-01, Christopher Todd Alexander, Certification No. B-11723. On October 5, 2006, Respondent pled guilty to and was convicted of one count of First Degree Trespass - Dwelling, § 18-4-502, C.R.S., a class 5 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-01 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Christopher Todd Alexander’s Colorado peace officer certificate No. B-11723.

***Motion made and seconded to revoke.
Passed Unanimously.***

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor
Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes

any deferred judgments or deferred sentences imposed by a court or judge.
Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (h) (2005).

1. No. M07-05, Damon E. Bolden, Certification No. 15093. On May 11, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-05. Director Kammerzell recommends revocation of Damon E. Bolden's Colorado peace officer certificate No. 15093.
Motion made and seconded to revoke.
Passed Unanimously.
2. No. M07-06, Patrick Alan Smith, Certification No. 14212. On September 21, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment, § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-06. Director Kammerzell recommends revocation of Patrick Alan Smith's Colorado peace officer certificate No. 14212.
Motion made and seconded to revoke.
Passed Unanimously.
3. No. M07-07, Eric James Beale, Certification No. B-4347. On January 22, 2007, Respondent pled guilty to and was convicted of 1 count of Assault in the Third Degree – Knowingly/Recklessly Caused Injury, § 18-3-204, C.R.S., a class 1 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-07. Director Kammerzell recommends revocation of Eric James Beale's Colorado peace officer certificate No. B-4347.
Motion made and seconded to revoke.
Passed Unanimously.
4. No. M07-08, Megan Francis Duchon-Zwart, Certification No. B-10743. On May 12, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment – Inconvenient Hours (Domestic Violence), § 18-9-111(1)(G), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-08. Director Kammerzell recommends revocation of Megan Francis Duchon-Zwart's Colorado peace officer certificate No. B-10743.
Motion made and seconded to revoke.
Passed Unanimously.
5. No. M07-09, Michael D. Ramsey, Certification No. B-4633. On May 16, 2006, Respondent pled guilty to and was convicted of 1 count of Harassment (Domestic Violence), § 18-9-111, C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-09. Director Kammerzell recommends revocation of Michael D. Ramsey's Colorado peace officer certificate No. B-4633.
Motion made and seconded to revoke.
Passed Unanimously.

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6. No. M07-10, Robert Russell Breyfogle, Certification No. B-3721. On February 20, 2007, Respondent pled guilty to and was convicted of 1 count of Harassment – Strike/Shove/Kick, § 18-9-111(1)(a), C.R.S., a class 3 misdemeanor. Respondent has failed to comply with Director's Show Cause Order M07-10. Director Kammerzell recommends revocation of Robert Russell Breyfogle's Colorado peace officer certificate No. B-3721.

***Motion made and seconded to revoke.
Passed Unanimously.***

Informational Items:

10. P.O.S.T. FY2007-2008 Decision Item Director John Kammerzell
 - A. Scanning and Indexing of Peace Officer Certification Files
 1. P.O.S.T. will begin scanning and indexing documents in July 2007
 2. Records (documents) will be divided into the several **Filing Areas** including:
 - a. Personal information
 - b. Employment (agency appointments)
 - c. Formal education
 - d. Certifications
 - e. Law enforcement training
 - f. Out-of-state information; correspondence
 - g. Other information
 3. Files will be ***Indexed*** for search by: name (last, first and middle initial); last name (AKA's, etc); social security number; P.O.S.T. certification number; and by P.O.S.T. PIN

Director Kammerzell stated that P.O.S.T. staff will continue the process of updating the database and clean-up of files.
11. Racial Profiling Training Project Director Kammerzell
 - A. Program Status Report
 1. NHTSA/CDOT Grant Funding - \$130,300
 3. U.S. District Court/Denver Foundation Grant Funding - \$80,246
 3. Web Based/Multimedia Learning Program - ***“P.O.S.T./ADL Anti-Bias Training for Law Enforcement Officers”***
 - a. The web-based program will address the same core competencies and student outcomes as the in-class program
 - b. The web-based program will be available on the internet to any officer, at their convenience, and at any computer

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- c. This additional funding, through CDOT and the Denver Foundation, will improve and extend the P.O.S.T. funded training through June 2008
- 4. P.O.S.T. Colorado Peace Officer Identification Cards – Peace Officer Training Project
 - a. Secure and verifiable peace officer identification card to every certified (appointed) peace officer
- 5. Funding for P.O.S.T. with the ability to add a Temporary Part Time Employee (.5 PTE) to assist with project implementation
- 6. Funding for the Colorado Regional Community Policing Institute (CRCPI) to develop a new Anti Bias Training Course for law enforcement supervisors
 - a. Specific course to help supervisors and managers develop skills which will assist them in identifying potential problem employees based on the employee's behavior and interaction with fellow employees and citizens.
 - b. The supervisors and managers will learn how to create and maintain an agency culture that supports diversity.
 - c. How to appropriately address biased behavior through the development of policies and procedures, counseling and disciplinary actions.

Director Kammerzell reported that the preparation for the distribution of the P.O.S.T. training cards will take place this fall.

12. ADA Accommodation Agreement, Application Process, and Form

AAG Diane Marie Dash

A. History

Director Kammerzell stated that an individual requested special accommodations for a reading disability, in regards to the P.O.S.T. exam.

B. Agreement and Process

Director Kammerzell stated that he had created an audio tape of the P.O.S.T. exam to meet the ADA and DOJ requirement.

A comment was made that if a person had such a disability would it be the responsibility of P.O.S.T. to make an agency aware of such disability.

Attorney General Suthers recommendation was that the Board members should look at their agency requirements essential functions for the job of peace officer. Attorney General Suthers stated that he would like for AAG Dash and Director Kammerzell to compare other state requirements of essential functions to see if this issue should be a statewide requirement or not.

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AAG Dash stated that she would compile the information for the next Board meeting.

13. Comments from others

Mr. Joe Thomas-Hazell suggested that when a citizen makes a report the citizen's report should be recorded to document all cases and make those reports available to the citizens.

14. 2007 P.O.S.T. Board Meeting Schedule

A. 2007 Meeting Dates:

1. Thursday and Friday, September 13 and 14, 2007 – Fort Collins
2. Friday, December 7, 2007 – Colorado Department of Law

Next P.O.S.T. Board Meeting / S.M.E. Meetings
Thursday, September 13, 2007 and Friday, September 14, 2007
Fort Collins, Colorado